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**JUL 05 2011**

**OFFICE OF PETITIONS**

**LAW OFFICE OF ERIC G. MASAMORI  
444 KIT FOX COURT  
WALNUT CREEK CA 94598**

In re Patent No. 6,565,535  
Issue Date: May 20, 2003  
Application No. 09/881,828  
Filed: June 15, 2001  
Attorney Docket No. 105-005.1US

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed May 27, 2011, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; and (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (1) above.

With respect to item (1): The statement of delay is not acceptable because the petition is not signed by all the inventors and the record fails to disclose that petitioner herein (Gregory Ford Gilbert) was ever given a power of attorney to act on behalf of inventor Nardo Zaias, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

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The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-6735.

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